

Before the State of South Carolina
Department of Insurance

In the matter of:)	Consent Order
)	Imposing Administrative Fine
Patricia M. Cox,)	
)	Investigation File Number
756 Hart Cut Road)	100819
Marietta, South Carolina 29661.)	
)	

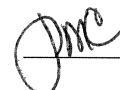
This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Patricia M. Cox, a licensed State of South Carolina resident insurance agent.

Cox hereby admits, and I find as fact, that, while licensed by the Department to do business as a resident insurance agent within the State of South Carolina, Cox changed the beneficiary on three life insurance policies without the insured's knowledge or consent. Cox contends that she was a new agent at the time and that she followed the instructions of a senior agent. Cox further contends that her actions were not an attempt to circumvent the insurance laws of this State. These actions are a violation of S.C. Code Ann. Sections 38-43-130 (Supp. 1999) and can ultimately lead to revocation of her license to transact the business of insurance as a resident insurance agent in South Carolina following a public hearing at the Administrative Law Judge Division.

Rather than proceeding toward a formal public hearing, the parties agreed to submit the entire matter to me, along with the specific recommendation, for my summary decision based solely on the record. That recommendation was that Cox would waive her right to a public hearing and pay a negotiated and consensual administrative fine of \$750 and agree to take six hours of continuing insurance education beyond that required by S.C. Code Ann. Section 38-43-106, to be completed within 90 days of the date of this order.

S.C. Code Ann. Section 38-43-130 provides, "The director or his designee may revoke or suspend an agent's license after ten days' notice or refuse to reissue a license when it appears that an agent has been convicted of a crime of moral turpitude, has violated this title or a regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State."

After a thorough review of the record, carefully considering the recommendation of the parties, and in accordance with my findings of fact, I now conclude, as a matter of law, that Cox has violated the law governing licensed agents, and although I can revoke Cox's insurance agent's license, I hereby impose an administrative fine of \$750 pursuant to the authority provided to me by the State of South Carolina General Assembly in S.C. Code Section 38-2-10 (Supp. 1999). This administrative fine must be paid within ten days of my date and signature upon this Consent Order

 Patricia M. Cox

Imposing Administrative Fine. I also require Cox to undergo six additional hours of continuing insurance education courses beyond the statutory requirement of S.C. Code Ann. § 38-43-106 (Supp. 1999) within 90 days of the date of this order. Cox must provide to the Department the original certificates of attendance proving her completion of this requirement within 90 days of the date of this order. These hours may not be fulfilled via correspondence courses and will not be eligible for the carry-over pursuant to S.C. Code Ann. § 38-43-106 (Supp. 1999). If that total amount is not timely paid, or if Cox does not provide the required proof of her timely having taken the additional continuing insurance education courses, her insurance agent's license to transact business as a resident insurance agent within the State of South Carolina will be summarily revoked without any further administrative disciplinary proceedings.

This administrative fine has been reached by the parties as a result of negotiation and compromise and in consideration of Cox's assurance that in the future she will research the insurance laws of this State before performing an act that appears questionable.


By her signature upon this consent order, Cox acknowledges that she understands this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 1999).

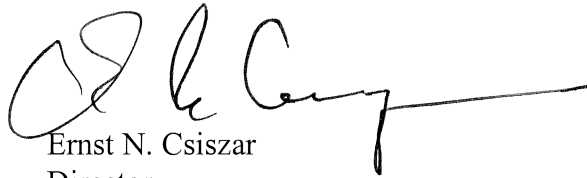
Nothing contained in this administrative disciplinary order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained in this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained in this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 1999), of the Director of Insurance, exercised either directly or through the Department to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is therefore, ordered that Patricia M. Cox shall pay through the State of South Carolina Department of Insurance, an administrative fine in the total amount of \$750.

It is further ordered that a copy of this consent order shall be transmitted to the National Association of Insurance Commissioners for distribution to its member states and to each insurer for which Patricia M. Cox is currently licensed to transact business as a resident insurance agent within the State of South Carolina.

This consent order becomes effective as of the date of my signature below.

 Patricia M. Cox


Ernst N. Csiszar
Director

May 18, 2000 at
Columbia, South Carolina

I Consent:



Patricia M. Cox
756 Hart Cut Road
Marietta, South Carolina 29661

Dated this 15 day of May, 2000

RECEIVED
GENERAL COUNSEL
MAY 16 2000
STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE